

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

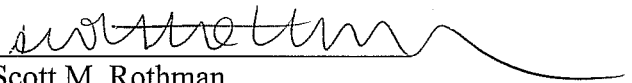
ROBERT BURCK t/a THE NAKED COWBOY, Plaintiff, v. MARS, INCORPORATED and CHUTE GERDEMAN, INC. Defendants.	NO. 08-1330 Judge Denny Chin
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**PLAINTIFF'S NOTICE OF MOTION TO STRIKE
DEFENDANT MARS, INCORPORATED'S
FAIR USE AND PARODY AFFIRMATIVE DEFENSES**

PLEASE TAKE NOTICE that Plaintiff Robert Burck t/a The Naked Cowboy, through its undersigned counsel, hereby moves before the Honorable Denny Chin, U.S.D.J., Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., Room 1020 New York, NY 10007, pursuant to Fed.R.Civ.P. 12(f) to strike the *Eighth* and *Tenth* Affirmative Defenses set forth in the Answer filed by Defendant Mars, Incorporated.

PLEASE TAKE FURTHER NOTICE that Movant shall rely upon the attached Brief.

HALBERSTADT CURLEY LLC

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O R D E R

AND NOW, this _____ day of _____, 2008, upon consideration of the Plaintiff's Motion pursuant to Fed.R.Civ.P. 12(f) to Strike Defendant Mars, Incorporated's Parody and Fair Use Affirmative Defenses (the *Eighth* and *Tenth* Affirmative Defenses pled by Mars), it is hereby ORDERED that the Motion is GRANTED and that said defenses are hereby STRICKEN.

It is further ORDERED that the *Ninth* Affirmative Defense, premised upon the *First Amendment*, is also STRICKEN.

BY THE COURT:

Hon. Denny Chin, U.S.D.J.

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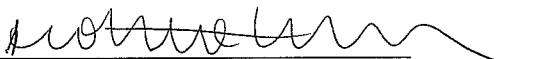
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
Notice of Motion and supporting Brief were served via electronic mail on the following:

Joseph R. Price, Esquire
Arent Fox LLP
1050 Connecticut Avenue, NW
Washington, DC 20036-53

HALBERSTADT CURLEY LLC

By: 
Scott M. Rothman

Date: 4/25/08